

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WILLIAM DONALD CRUTCHER)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 94-184
)	
LEXINGTON-SOUTH ELKHORN)	
WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On May 5, 1994, William Donald Crutcher filed a complaint against Lexington-South Elkhorn Water District ("LSEWD") requesting the Commission "order the construction of an extension to the existing Drakes Lane distribution main to a point adjacent to Complainant's property pursuant to 807 KAR 5:066(11) and 807 KAR 5:066(12)."

Mr. Crutcher alleged that, as the owner of real property located on Drakes Lane within the service area of LSEWD, he is entitled to water service. He states that a distribution main was extended to serve residents on Drakes Lane but that the service was not extended to him. He believes his was the only property on Drakes Lane, within LSEWD's service area, that is without access to water service. He says he made "repeated and timely requests" for service, and that "Defendant [LSEWD] intentionally failed to extend the distribution main to [his] property line . . . or to a point in

reasonable proximity thereof, thereby depriving [him] . . . of access to water service."

Mr. Crutcher says he was the only African-American on Drakes Lane and within the service area and consequently alleges that the denial of service is due in whole or in part to his race. Mr. Crutcher believes these actions constitute preferential or disparate treatment and violate KRS 278.170 and 807 KAR 5:006, Sections 5 and 14. He also believes that LSEWD should have provided him with written notice of his right to file a complaint with the Commission pursuant to 807 KAR 5:006, Section 9.

LSEWD was directed by Order dated May 11, 1994, to either satisfy or answer Mr. Crutcher's complaint within 10 days. On May 25, 1994, LSEWD filed its answer, stating that the dwelling in question is located outside the utility's territorial boundary and is not Mr. Crutcher's residence (it is used as rental property). LSEWD also contends that Mr. Crutcher has never requested water service, only that the water main be extended past his home. It stated, "[I]n fact, Complainant's wife stated at the August meeting that she and her husband intended to build on the property in the future and only wanted water service available then."

LSEWD denied that Mr. Crutcher's race was the basis, in whole or in part, for the refusal to construct the water main past his residence.

By Order dated June 6, 1994, LSEWD was requested to file a copy of any and all court orders or other documentation establishing the service boundaries of LSEWD and a map which


reflects LSEWD's service boundary as it pertains to the extension requested by Mr. Crutcher, with his residence identified on the map.

LSEWD complied with the information request by filing the court orders, other documentation, and maps with the Commission on July 1, 1994. The evidence presented indicates that the residence owned by Mr. Crutcher in fact lies outside the boundaries of LSEWD's service territory. While a water district may under certain circumstances expand its service territory, its purpose is to supply water to the residents of the district. KRS 74.100.

IT IS THEREFORE ORDERED that this complaint will be dismissed without further order 15 days after the date of this Order unless Mr. Crutcher submits information predicated on the belief or knowledge that the documentation presented to the Commission by LSEWD is in error and that the residence Mr. Crutcher owns is, in fact, located in LSEWD's service territory, or other basis within the jurisdiction of the Commission upon which he is entitled to service from LSEWD.

Done at Frankfort, Kentucky, this 16th day of September, 1994.


PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner